

Transcript of the Testimony of
Rafael Anchia

Date:

August 22, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

1 Q. What is Civitas Capital?

2 A. It's a real estate investment group.

3 Q. You are associated with the Mexican American
4 Legislative Caucus; is that correct?

5 A. Yes.

6 Q. If I refer to that as "MALC" for short, will
7 you know what I mean?

8 A. Yes.

9 Q. Are you the chairman of MALC?

10 A. Yes.

11 Q. What are the duties of the chairman of MALC?

12 A. To preside over the organization, to assist
13 the membership in achieving either legislative,
14 administrative or judicial goals, to protect the
15 voting rights of Latinos in the state of Texas, and,
16 among others, to preside over the executive board of
17 the organization.

18 Q. Did you vote in the March 1st, 2022,
19 democratic primary?

20 A. I believe I did.

21 Q. Do you remember how you voted?

22 For example, by mail or in person?

23 A. I believe I voted in person.

24 Q. Do you have any reason to believe that your
25 ballot was not counted?

1 A. I don't.

2 Q. Did you encounter any problems as a voter
3 that you attribute to Senate Bill 1?

4 A. In my personal ballot, no.

5 Q. And do you know what I mean when I refer to
6 Senate Bill 1?

7 A. I do.

8 Q. This was a piece of legislation that passed
9 during the second special session of the 87th
10 Legislature; correct?

11 A. Yes.

12 Q. When you were voting, did you witness any
13 problems for other voters that you attribute to SB 1?

14 A. Yes.

15 Q. What did you witness?

16 A. My daughter had difficulty casting her
17 ballot. She had to come back, I think, twice because
18 her name was not on the list of voters. Even though
19 we had duly registered -- she had her voter
20 registration card, she had her passport -- she was
21 turned away, I believe -- I believe, just once, and we
22 had to come back later that afternoon.

23 Q. And was that for the March 1st, 2022,
24 democratic primary?

25 A. Yes.

1 Q. So, to your understanding, the people at the
2 polling place were able to confirm that she was, in
3 fact, registered to vote?

4 A. Yes. Ultimately, yes.

5 Q. Do you know why the list the people at the
6 polling place had didn't include her name if she was
7 registered to vote?

8 A. I don't.

9 Q. Is it fair to say you don't know whether
10 Senate Bill 1 had anything to do with that issue?

11 A. I don't.

12 Q. You don't know whether it did?

13 A. I don't know one way or the other.

14 Q. So, other than the experience you just
15 described with your daughter, are you -- did you
16 witness anyone else as a voter having problems during
17 the March 1st, 2022, democratic primary that you
18 attribute to Senate Bill 1?

19 A. I -- I did not.

20 Q. Can you identify any would-be voter who was
21 not able to vote in either the democratic or the
22 republican primary in 2022 as a result of Senate Bill
23 1?

24 A. You -- you would -- just to clarify, you
25 would like me to provide an example or the name of a

1 voter that was unable to vote or whose vote was not --
2 ultimately not counted?

3 Q. I'm asking whether you are able to provide
4 the name of any voter who was not able to vote in the
5 primary elections as a result of Senate Bill 1.

6 A. I -- I'm unaware.

7 Q. Did you vote in the May 24th, 2022,
8 democratic primary runoff?

9 A. I would say that's a safe bet. Although,
10 I -- I -- I don't recall.

11 Q. Do you recall having any problems voting in
12 that election?

13 A. No.

14 Q. To the extent you voted, do you have any
15 reason to think that your ballot wasn't counted?

16 A. I have no basis to -- to think that, no.

17 Q. Did you witness any voters during the May
18 24th, 2022, primary elections for the runoffs have any
19 problems voting?

20 A. I did not.

21 Q. Can you identify any would-be voter who was
22 not able to vote in either the democratic primary
23 runoff or the republican party primary runoff as a
24 result of Senate Bill 1?

25 A. I'm not.

1 Q. Was that "No"?

2 A. I -- I -- I'm unable to, yes. No.

3 Q. Do you remember if you voted in the May 7th,
4 2022, election?

5 A. I don't recall.

6 Q. In case it helps, I'll just represent to you
7 that would have been an election with constitutional
8 amendments on the ballot and potentially some local
9 races.

10 A. Okay.

11 Q. To the best of your recollection, did you
12 have any problems voting in that election as a -- as a
13 result of Senate Bill 1?

14 A. I don't recall.

15 Q. Do you recall witnessing any other voters
16 have problems during that election as a result of
17 Senate Bill 1?

18 A. No.

19 Q. Can you identify any would-be voter who was
20 not able to vote in the May 7th, 2022, election as a
21 result of Senate Bill 1?

22 A. No.

23 Q. Other than the elections we just talked
24 about, the primary, the primary runoff, the May 7th
25 election, have you voted in any other elections since

1 Senate Bill 1 took effect?

2 A. Not that I can recall.

3 Q. Are you aware of any would-be voter who was
4 not able to vote in any other election as a result of
5 Senate Bill 1?

6 A. No.

7 Q. You're a member of the House of
8 Representatives; right?

9 A. I am a member or do I remember?

10 Q. Sorry. You are a member --

11 A. I am.

12 Q. -- of the Texas House of Representatives?

13 A. I -- yes.

14 MR. QUESADA: If you remember that.

15 THE WITNESS: Yes.

16 Q. (By Mr. Thompson) And you participated in
17 House proceedings related to Senate Bill 1; correct?

18 A. Yes.

19 Q. You're not a member of the Texas Senate;
20 correct?

21 A. Correct.

22 Q. Did you have any participation in Senate
23 proceedings related to Senate Bill 1?

24 A. I did not.

25 Q. Did you have any involvement with the Office

1 suggesting that this current law permits them or gives
2 them the option to cast their ballot without someone
3 watching? So -- I -- I'm sorry.

4 Q. (By Mr. Thompson) Let me try it again.

5 A. Yeah.

6 Q. Do you understand that under Texas law
7 voters are able to cast their ballots in secret
8 without poll watchers seeing who they're voting for?

9 A. Certainly.

10 (Exhibit Number 6 marked.)

11 Q. (By Mr. Thompson) I'm going to hand you
12 what's been marked as Exhibit 6.

13 In the top right-hand corner of Exhibit
14 6, does it "S.B. No. 1"?

15 A. Yes.

16 Q. I'll represent to you this is a copy of
17 Senate Bill 1 as it was enacted.

18 If you'd just flip over to the back
19 page, you'll see signatures from the president of the
20 Senate, speaker of the House, Secretary of State, the
21 chief clerk of the House and the governor; correct?

22 A. Yes.

23 Q. Do you have any reason to dispute that this
24 is an accurate copy of Senate Bill 1?

25 A. I do not.

1 Q. If you'd flip to Page 2, please.

2 Starting in Line 11 of Page 2, do you
3 see Section 1.04?

4 A. Yes. On -- on Line 11 you were asking;
5 correct?

6 Q. Yes, starting on Line 11.

7 A. Yes.

8 Q. And Section 1.04 of SB 1 adds Section 1.0015
9 to the election code; correct?

10 A. Yes.

11 Q. And that section is labeled "Legislative
12 Intent;" correct?

13 A. Yes.

14 Q. In Lines 16 and 17, does SB 1 include
15 protecting the secrecy of the ballot as part of the
16 legislature's intent?

17 A. Yes.

18 Q. Have you ever served as a poll watcher?

19 A. Not that I'm aware. No, I don't recall.

20 Q. Do you know how poll watchers are selected?

21 A. By campaigns.

22 Q. Has your campaign ever selected poll
23 watchers?

24 A. Not that I'm aware of.

25 Q. Do you know whether the Texas Democratic

1 Party uses poll watchers?

2 A. I imagine they do, yes.

3 (Exhibit Number 7 marked.)

4 Q. (By Mr. Thompson) I'm handing you what's
5 been marked as Exhibit 7. Oh, sorry.

6 A. That's all right.

7 Q. 7.

8 MR. QUESADA: Thank you.

9 Q. (By Mr. Thompson) Representative Anchia,
10 does Exhibit 7 appear to be a printoff from the
11 texasdemocrats.org website?

12 A. That -- yes. That's what it says at the
13 bottom.

14 Q. And is Exhibit 7 labeled "2020 Series:
15 Voter Protection by Rose Clouston, Voter Protection
16 Director"?

17 A. That is what it says, yes.

18 Q. If you could turn to Page 9, please. The
19 page number's in the bottom right-hand corner of this
20 document.

21 At the bottom of Page 9 it says "The
22 Texas democrats voter protection team in conjunction
23 with our full-time staffers and volunteers is
24 recruiting volunteer poll watchers across Texas to be
25 at polling places on election day?"

1 Do you see that?

2 A. Yes.

3 Q. And then if you flip to Page 10, it says "In
4 order to make sure Texans' voting rights are not being
5 violated when they head to their polling location to
6 cast a ballot, Texas democrat poll watchers will
7 observe the voting process, report any voting
8 irregularities and advocate on voter's behalf should
9 they encounter any confusion or issues while voting;"
10 correct?

11 A. Yes.

12 Q. Fair to say that the Texas Democratic Party
13 uses poll watchers to monitor the regularity of
14 elections?

15 A. It appears so.

16 Q. There's nothing nefarious about that; right?

17 A. Not on its face, no.

18 Q. Do you think it's a responsible thing for
19 the Texas Democratic Party to do?

20 A. It's permitted by law. Certainly.

21 Q. Are you aware of any problems that Texas
22 Democratic Party poll watchers caused in 2020?

23 A. I'm not aware of any.

24 Q. Are you aware of any other -- other problems
25 caused by any poll watchers in 2020?

1 recall.

2 Q. Do you know whether any --

3 A. Or -- or maybe to law enfor -- law enfor --
4 I apologize. She did report it to law enforcement,
5 but I don't recall where else that might have -- she
6 might have reported it.

7 Q. Do you know which law enforcement agency?

8 A. I don't.

9 Q. And, just to be clear, you weren't present
10 when this happened; right?

11 A. No. This is the basis of a phone call.

12 Q. Now, if we wanted to get in touch with
13 Ms. Orenstein, do you know how we might be able to do
14 that?

15 A. She's an upstanding member of the bar and,
16 I'm sure, would be easily identifiable for the Dallas
17 Bar Association.

18 Q. Do you have an understanding of what poll
19 watchers are supposed to do?

20 A. Generally.

21 Q. What is your general understanding?

22 A. They are supposed to observe the -- the
23 goings-on under the auspices of the election judge.
24 They are not to -- they -- they have a designated area
25 is my recollection where they're supposed to observe.

1 They're supposed to stay away from -- from voters, not
2 engage in campaigning. Those are gener -- that's
3 generally my understanding of their role.

4 Q. So part of their role is to observe the
5 conduct of the election to see if there is anything
6 inappropriate happening; is that fair?

7 A. Yes.

8 Q. They're not able to perform that function if
9 they can't see what's happening; correct?

10 A. I don't understand the question. Can you
11 repeat it?

12 Q. It's a tad tautological, so that may be why
13 it's confusing.

14 But if they're supposed to observe the
15 election and for some reason they can't see what's
16 happening in the conduct of an election, then they're
17 not able to perform their function; correct?

18 MR. QUESADA: Let me object to the form
19 of the question. You may answer.

20 A. So -- so within -- within reason. But
21 because these are partisans, whether they be democrats
22 or republicans, their activities can also get in the
23 way of the conduct of an election or it can border on
24 campaigning, I would imagine.

25 It can potentially intimidate voters,

1 and -- and that's -- that's why I carried my
2 amendment. Because, yes, while -- while legislative
3 intent here is -- is -- is correct, and I'm glad they
4 include it, it seems to be at odds with a complete
5 free movement of a watcher at an election location.

6 When you -- when you have partisans who
7 are in an election contest with -- with no limits,
8 oftentimes in cramped spaces, right, having been in --
9 in polling locations that are no bigger than a -- you
10 know, than a portable and not placing -- I felt that
11 this Subsection (e) in this amendment that I sought to
12 strike was at odds with existing law and legislative
13 intent. And so, yes, I saw it as -- as a -- in
14 conflict.

15 MR. THOMPSON: Objection,
16 nonresponsive.

17 Q. (By Mr. Thompson) Are you familiar with any
18 past controversies in which poll watchers in Texas
19 were not permitted to view what election workers were
20 doing?

21 A. No.

22 (Exhibit Number 8 marked.)

23 Q. (By Mr. Thompson) I'm going to hand you
24 what's been marked as Exhibit 8.

25 A. Thank you.

1 MR. QUESADA: Thank you, sir.

2 Q. (By Mr. Thompson) Representative Anchia, is
3 Exhibit 8 a letter from the Secretary of State's
4 Office to the Director of Law Enforcement at the
5 Office of the Attorney General?

6 A. Yes.

7 Q. Is it dated September 2, 2020?

8 A. Yes.

9 Q. This was before SB 1 was enacted; right?

10 A. Yes.

11 Q. Take a look at the first paragraph. The
12 Secretary of State's Office requests assistance "...in
13 reviewing allegations of poll watchers being
14 obstructed from observing activity at the Travis
15 County central counting station for the July 14, 2020,
16 election."

17 Do you see that?

18 A. I do.

19 Q. The beginning of that paragraph says the
20 letter is being sent pursuant to Section 31.006 of the
21 Texas Election Code; correct?

22 A. It does.

23 Q. Are you familiar with 31.006 of the Texas
24 Election Code?

25 A. Not by number.

1 Q. Sure. Are you aware the Secretary of
2 State's Office has the authority under the election
3 code to refer matters to the Office of the Attorney
4 General when allegations of criminal conduct relating
5 to an election have been made?

6 A. Yes.

7 Q. Are you aware that before SB 1 became law
8 there were potential criminal consequences for
9 obstructing the activities of a poll watcher in Texas?

10 A. Yes, I seem to recall that.

11 (Exhibit Number 9 marked.)

12 Q. (By Mr. Thompson) I'm handing you what has
13 been marked --

14 A. Thank you.

15 Q. -- as Exhibit 9.

16 MR. QUESADA: Thank you, sir.

17 Q. (By Mr. Thompson) Based on the URL at the
18 bottom of the page, does Exhibit 9 appear to be a news
19 article from KXAN Austin?

20 A. It does.

21 Q. Is it headlined "State requests criminal
22 investigation into alleged election violations inside
23 Travis County Clerk's Office"?

24 A. Yes.

25 Q. And is the article dated November 2, 2020?

1 A. Yes.

2 Q. Again, this is before the legislature passed
3 SB 1; correct?

4 A. Yes.

5 Q. All right. So let's take a look at Page 2.

6 Now, based on the first paragraph this
7 article seems to be mentioning the letter from the
8 Secretary of State's Office asking for a criminal
9 investigation related to the poll watcher incident in
10 Travis County; correct?

11 A. Yes.

12 Q. And according to the second sentence of the
13 first paragraph there were republican poll watchers
14 who claimed the clerk's office kept them from doing
15 their jobs; correct?

16 A. Yes, that was their claim.

17 Q. If you look at Paragraph 2, Sentence 2, the
18 article reports "One poll watcher said he wasn't
19 allowed into the counting room at all."

20 Do you see that?

21 A. Yes.

22 Q. And then the next sentence says "Another two
23 poll watchers said they were sequestered into a 'media
24 room' at the clerk's office, unable to hear and see
25 ballot tabulations and counts the night the polls

1 closed in July."

2 Do you see that?

3 A. Yes.

4 Q. And, finally, look at the last paragraph on
5 this page. It quotes a poll watcher named John Wood
6 who said, "I was in this glass box. I could not hear
7 any conversation. People were doing something, which
8 I could not identify what. All video screens of their
9 information were out of my sight."

10 Do you see that?

11 A. Yes.

12 Q. And according to this article, again, "Wood
13 is one of the three complainants listed in the
14 Secretary of State's criminal investigation request;"
15 correct?

16 A. Yes.

17 Q. Turn to Page 3, Article -- continues to
18 quote Wood in Paragraph 2, "'So I was absolutely
19 useless,' Wood said. 'There was nothing I could tell
20 about the process. It was opaque to me, a watcher,
21 and I found very discouraging.'"

22 Do you see that?

23 A. Yes.

24 Q. Now, you don't know whether these
25 allegations are true, do you?

1 A. I have no basis.

2 Q. But, as a legislator, it would concern you
3 if poll watchers were prevented from seeing election
4 activities in Travis County; correct?

5 A. Anywhere, yeah.

6 Q. Sorry. Just to make sure I get it clear on
7 the record, you're saying it would concern you if poll
8 watchers were prevented from seeing election
9 activities in any county in Texas; is that fair?

10 A. Well, if -- if they were prevented from
11 seeing election -- election activities in their role
12 as -- as -- as watchers and -- and if they, in fact,
13 are behaving in a way that watchers are -- are to
14 behave. Impossible to know from this article, and
15 I -- and -- and difficult to see. I don't think
16 there's any final disposition here or -- so...

17 Q. All right. If we can just quickly turn to
18 Page 5 of the article.

19 A. Yeah.

20 Q. Do you see at the very top of the page it
21 says...

22 Well, excuse me.

23 Before I read that, do you know who
24 Dana DeBeauvoir was or is?

25 A. Is -- yes, I do.

1 Q. Who is Dana DeBeauvoir?

2 A. She is the former elections administrator, I
3 believe, for Travis County.

4 Q. And I'll just represent to you, I -- I think
5 at the time her title was county clerk, but that she
6 had the role of overseeing the election process.

7 A. That's right.

8 Q. Does that sound right to you?

9 A. That sounds right to me.

10 Q. Okay. So on Page 5 of this article, at the
11 top of the page it says "DeBeauvoir did not deny
12 corralling the poll watchers in her building's media
13 room;" correct?

14 A. Where are you reading from? I'm sorry. I
15 may -- I may have missed that.

16 Q. I'm sorry. Page 5. It's at the very top of
17 the page. It's above a large color photograph.

18 A. Oh, oh, oh, sorry. Yes.

19 Q. So you see -- you see that it says
20 "DeBeauvoir did not deny corralling the poll watchers
21 in the building's media room;" correct?

22 A. Correct.

23 Q. Do you think it's reasonable for Texas
24 legislators to be worried about the allegations in
25 this article?

1 MR. QUESADA: I'm going to object to
2 the form of the question.

3 A. I think it's reasonable for them to
4 investigate the allegations.

5 Q. (By Mr. Thompson) In your role as a
6 legislator, you sometimes run across issues because of
7 press reports; right?

8 A. Yes.

9 Q. And sometimes as a result of those press
10 reports, you pursue legislation on a particular topic;
11 is that fair?

12 A. If it turns out that the allegations were
13 substantiated, yes, and -- and -- and if there was
14 sort of a persistent problem rather than a one-off.
15 Yeah, there are all kinds of factors that would go
16 into that. But rarely -- rarely just based on
17 allegations. That often makes bad policy.

18 Q. Earlier I handed you Chapter 33 of the
19 election code.

20 Do you still have that in front of you?

21 A. I do.

22 Q. And, just for the clarity of the record,
23 what exhibit number is on the front of that?

24 A. Exhibit 5, I believe. It's Chapter 33 of
25 the election code.

1 Q. Let's take a look at the first page of
2 Exhibit 5.

3 A. I'm there.

4 Q. Okay. Do you see Section 33.0015?

5 A. Yes.

6 Q. Entitled "Chapter Purpose and Watcher Duty;"
7 correct?

8 A. "Chapter Purpose and Watcher Duty," yes.

9 Q. Okay. The first sentence says "The purpose
10 of this chapter is to preserve the integrity of the
11 ballot box in accordance with Section 4, Article VI,
12 Texas Constitution, by providing for the appointment
13 of watchers."

14 Do you see that?

15 A. Yes.

16 Q. And the Texas Constitution imposes a duty on
17 the legislature to preserve the integrity of the
18 ballot box; correct?

19 A. Yes.

20 Q. The next sentence says "It is the intent of
21 the legislature that watchers duly accepted for
22 service under this chapter be allowed to observe and
23 report on irregularities in the conduct of any
24 election, but may not interfere in the orderly conduct
25 of an election."

1 Do you see that?

2 A. Yes.

3 Q. You support that intent, don't you?

4 A. Certainly.

5 Q. It's good for poll watchers to be able to
6 observe and report on irregularities?

7 A. Yes.

8 Q. But it's also important that they not
9 interfere in the orderly conduct of an election;
10 correct?

11 A. Yes.

12 Q. Now, the final sentence in that section says
13 "To effect that purpose, a watcher appointed under
14 this chapter shall observe without obstructing the
15 conduct of an election and call to the attention of an
16 election officer any observed or suspected
17 irregularity or violation of law in the conduct of the
18 election."

19 Do you see that?

20 A. Yes.

21 Q. And do you understand this provision to
22 define the duties of a poll watcher in part?

23 A. Ask that question again. Do I understand --
24 I'll repeat it back to you just to make sure I've got
25 it. Do -- do I understand this to be in part the

1 duties of a poll watcher?

2 Q. Yes.

3 A. Yes.

4 Q. So in this provision the legislature is
5 instructing poll watchers to avoid obstructing the
6 conduct of an election; fair?

7 A. Ask the question again kindly.

8 Q. Sure. In this provision the legislature is
9 instructing poll watchers to avoid "obstructing the
10 conduct of an election"?

11 A. Yes.

12 Q. And this is a provision that was added to
13 the election code by Senate Bill 1; correct?

14 A. It appears to be, yes.

15 Q. Are you aware of any instances in which poll
16 watchers have prevented an eligible Texas voter from
17 voting?

18 A. I'm unaware.

19 Q. Are you aware of any instances in which poll
20 watchers have obstructed an election in Texas?

21 A. I'm unaware.

22 Q. Are you aware that the Secretary of State's
23 Office provides training for poll watchers in Texas?

24 A. Yes.

25 Q. Are you aware that that is a consequence of

1 Senate Bill 1?

2 A. I'm unaware. It was my impression that they
3 did -- that the Secretary of State's Office also did
4 watcher training in advance of SB 1.

5 Q. Do you still have Senate Bill 1 in front of
6 you?

7 A. I do.

8 Q. Let's turn to Page 25.

9 On Page 25, Line 13, do you see Section
10 4.04 of Senate Bill 1?

11 A. Yes.

12 Q. Does it amend Chapter 33 of the election
13 code by adding Section 33.008?

14 A. Yes.

15 Q. And does that provision say, starting in
16 Line 15, "The Secretary of State shall develop and
17 maintain a training program for watchers"?

18 Is that what it says?

19 A. Yes.

20 Q. And then it has various requirements for the
21 training program under that; correct?

22 A. Yes.

23 Q. One of them is that the training program
24 must be available on the internet?

25 A. Yes.

1 Q. So within --

2 A. Oh, the knowing s -- knowing standard on --
3 on Line 7. Sorry. And I just overtalked. You were
4 about to tell me where it was, but I think I see. I
5 see it now.

6 Q. That is what I'm referring to, the -- the
7 requirement that the person knows the watcher is
8 entitled to observe an activity in Line 7.

9 A. Yes.

10 Q. So that mens rea requirement didn't exist in
11 that provision of the election code before SB 1;
12 correct?

13 A. It is new language that is being added,
14 correct.

15 Q. And the criminal act, the criminal offense
16 specified in that provision, is one that relates to a
17 person serving in an official capacity preventing a
18 watcher from observing an activity or procedure the
19 person knows the watcher is entitled to observe;
20 correct?

21 A. Yes.

22 Q. Without the knowing requirement added by
23 Senate Bill 1, more conduct would be made criminal by
24 the election code; correct?

25 MR. QUESADA: Object to the form of the

1 question.

2 Q. (By Mr. Thompson) If that didn't make sense
3 I can rephrase it.

4 A. If you don't mind.

5 Q. Adding the mens rea requirement narrows the
6 scope of limit -- of criminal liability under the
7 election code; correct?

8 A. Yes.

9 Q. Are you familiar with something called voter
10 information posters in Texas elections?

11 A. Yes.

12 Q. I have various documents I can put in front
13 of you if this would be helpful.

14 But do you recall sponsoring or --
15 excuse me -- jointly offering a bill about voter
16 information posters?

17 A. In what year?

18 Q. There's a bill called HB719. I need to look
19 up the exact year.

20 A. So the short answer is, no, I don't recall
21 this.

22 Q. Probably have a lot of bills that you're
23 responsible for; is that fair?

24 A. Yes.

25 (Exhibit Number 10 marked.)

1 Q. (By Mr. Thompson) I'm going to hand you
2 what's been marked as Exhibit 10.

3 A. Thank you.

4 MR. QUESADA: Thank you.

5 Q. (By Mr. Thompson) Does Exhibit 10 appear to
6 be a printoff from the Texas Legislature's website?

7 A. Yes.

8 Q. And does Exhibit 10 relate to House Bill 719
9 from the 79th regular session?

10 A. It appears to, yes.

11 Q. Are you listed as a joint author of House
12 Bill 719 in the 79th regular session?

13 A. Yes. On March 17th, 2005.

14 Q. Okay.

15 A. My first session.

16 (Exhibit Number 11 marked.)

17 Q. (By Mr. Thompson) I'm going to hand you
18 what's been marked as Exhibit 11.

19 A. Thank you.

20 MR. QUESADA: Oh, thank you so much.

21 Q. (By Mr. Thompson) Now, do you see that
22 Exhibit 11 is a form prescribed by the Secretary of
23 State according to the top right-hand corner of the
24 document?

25 A. Yes.

1 Q. And the bold header at the top says "Voter
2 Information;" correct?

3 A. Yes.

4 Q. And right below that it lists a series of
5 rights that voters have.

6 Do you see that?

7 A. Yes.

8 Q. The second right says "You have the right to
9 cast your vote in secret and free from intimidation;"
10 correct?

11 A. Yes.

12 Q. And that is a right that voters have under
13 Texas law; correct?

14 A. Yes.

15 Q. Are you aware that each polling place in
16 Texas posts this form in a prominent location?

17 A. I'm not aware that every polling location in
18 the state does so, but that there's a requirement to
19 do so.

20 Q. You're aware that they're legally required
21 to post these voter information posters --

22 A. Yes, sir.

23 Q. -- correct?

24 A. Yes, sir.

25 Q. And you're not aware of any that refused to

1 post them; correct?

2 A. I have no basis.

3 Q. How long have you lived in Dallas County?

4 A. Ooh. 1986, I guess.

5 Q. Where did you move from when you moved to
6 Dallas County?

7 A. From Miami, Florida to go to college. I was
8 17 years old.

9 Q. I guess you would have left -- forgive me.
10 So you moved to Dallas in 1986 to go to
11 SMU; correct?

12 A. Yes.

13 Q. And then after you graduated from SMU, you
14 spent a few years at Tulane Law School?

15 A. (Witness nods head.)

16 Q. Correct?

17 A. Uh-huh, yeah.

18 Q. So, other than your years in law school,
19 have you lived in Dallas County since 1986?

20 A. Yeah. And I returned every summer to --
21 to -- to work in Dallas even when I was in law school.

22 Q. Have you been a Dallas County voter since
23 1986?

24 A. Ooh. I don't recall.

25 Q. Have you been a Dallas County voter for a

1 long time?

2 A. Yes.

3 Q. To the best of your knowledge, Dallas County
4 has never offered drive-thru voting; correct?

5 A. That's correct.

6 Q. To the best of your knowledge, had any Texas
7 county used drive-thru voting before the November 2020
8 general election?

9 A. I'm unaware.

10 Q. To the best of your knowledge, how many
11 Texas counties offered drive-thru voting during the
12 November 2020 general election?

13 A. I'm unaware.

14 Q. Are you aware of any?

15 A. I believe Harris County.

16 Q. Any others?

17 A. I'm not.

18 Q. To the best of your knowledge, has any Texas
19 county offered drive-thru voting since the November
20 2020 general election?

21 A. Let me amend my answers. If by -- if by
22 "drive-thru voting" you mean exclusively drive-thru
23 without any sort of disability or impediment, because
24 I believe all -- all counties should offer it to
25 people -- under existing law for people who are --

1 A. Yes, that's my understanding.

2 Q. I mean, it didn't -- it didn't close at the
3 end of any kind of normal business hours; correct?

4 A. I don't know. I don't know. I couldn't say
5 whether they cl -- whether they closed at all.

6 Q. To the best of your knowledge, Dallas County
7 has never offered 24-hour voting; correct?

8 A. I'm unaware.

9 Q. To the best of your knowledge, had any Texas
10 county used 24-hour voting before the November 2020
11 general election?

12 A. I'm unaware.

13 Q. To the best of your knowledge, how many
14 Texas counties offered 24-hour voting during the
15 November 2020 general election?

16 A. I'm only aware of Harris County.

17 Q. To the best of your knowledge, has any Texas
18 county offered 24-hour voting since the November 2020
19 general election?

20 A. I'm not aware.

21 Q. You haven't had any personal involvement
22 with drive-thru voting; correct?

23 A. No.

24 Q. And you haven't had any personal involvement
25 with 24-hour voting; correct?

1 A. No.

2 Q. I'm sorry. I'm going to have to clarify
3 those because of the ambiguities in the negative
4 question and then a "No" answer.

5 MR. QUESADA: Ask it in one question
6 and he'll answer to all in one.

7 MR. THOMPSON: Great.

8 Q. (By Mr. Thompson) If you don't mind
9 answering this "Correct" or "Incorrect," I think it
10 will make things clear.

11 A. Correct.

12 Q. You have not had any personal involvement
13 with either drive-thru voting or 24-hour voting;
14 correct?

15 A. Correct.

16 Q. Thank you. And we can take a break now if
17 you want. I'm about to switch topics. Whatever you
18 prefer.

19 A. At your pleasure.

20 MR. THOMPSON: Okay. Let's go off the
21 record real quick.

22 THE VIDEOGRAPHER: We're off the record
23 at 10:41 a.m.

24 (Break.)

25 THE VIDEOGRAPHER: We're back on the

1 seen that?

2 A. I don't remember the exact number. More
3 than one.

4 Q. What is the first instance you can remember
5 of seeing that?

6 A. I don't recall details.

7 Q. Let me try it more broadly and then we'll
8 drill down.

9 Have you ever witnessed a voter with a
10 disability seek assistance for voting, but then not be
11 able to vote for any reason?

12 A. No.

13 Q. Have you ever witnessed anything that you
14 would consider inappropriate in the context of people
15 at a polling place reacting to a voter's request for
16 assistance based on a disability?

17 A. No.

18 Q. Can you identify any voters who have been
19 prevented from voting as a result of the Senate Bill 1
20 provisions related to assistance for voters with
21 disabilities?

22 A. I'm unaware.

23 Q. Are you aware of any problems in that
24 regard?

25 A. I'm unaware.

1 Q. Have you ever voted by mail?

2 A. I don't believe so.

3 Q. You haven't voted by mail since Senate Bill
4 1 took effect; correct?

5 A. No.

6 Q. And you haven't attempted to vote by mail
7 since Senate Bill 1 took effect; correct?

8 A. No.

9 Q. Have you witnessed anyone attempting to vote
10 by mail since Senate Bill 1 took effect?

11 A. No.

12 Q. Can you identify any voters who were
13 prevented from voting as a result of Senate Bill 1's
14 provisions related to voting by mail?

15 A. No.

16 Q. Do you have any personal knowledge of any
17 problems related to voting by mail that you would
18 attribute to Senate Bill 1?

19 A. No.

20 Q. You're represented by counsel for purposes
21 of this litigation; right?

22 A. Say -- say it one more time.

23 Q. You're represented by counsel for purposes
24 of this litigation --

25 MR. QUESADA: Well, for this --

1 A. My counsel.

2 MR. QUESADA: Yeah. Don't answer if
3 it -- if it involves attorney-client.

4 THE WITNESS: Okay.

5 MR. QUESADA: Just tell him it involves
6 attorney-client.

7 THE WITNESS: It involves
8 attorney-client.

9 Q. (By Mr. Thompson) Other than conversations
10 with counsel, you don't have any knowledge about being
11 listed as a witness; is that fair?

12 A. That's fair.

13 Q. Do you have any plans to testify at the
14 trial in this matter?

15 A. Not at the present time.

16 (Exhibit Number 12 marked.)

17 Q. (By Mr. Thompson) I'll hand you Exhibit 12.

18 A. Thank you.

19 MR. QUESADA: Thank you.

20 Q. (By Mr. Thompson) Representative Anchia,
21 does the front of Exhibit 12 say "House Journal,
22 Eighty-Second Legislature, Regular Session"?

23 A. It does.

24 Q. Is it dated Monday, March 21, 2011?

25 A. It is.

1 Q. Does this appear to be a copy of the House
2 Journal published by the Texas Legislature?

3 A. It does.

4 Q. Can you flip to Page 914?

5 The page numbers are on the top-left
6 and right-hand corners, sort of booklet style.

7 A. I'm on Page 914.

8 Q. According to this excerpt from the House
9 Journal, about the middle of the page you are quoted
10 as saying "Yet this bill doesn't deal with the type of
11 voter fraud that we've seen most prevalently in the
12 state of Texas, which is mail-in ballots."

13 Do you see that?

14 A. Yes.

15 Q. Is that an accurate reporting of what you
16 said?

17 A. Yes. Those are the words I said in the
18 journal, as reflected in the journal.

19 Q. This was in the context of a debate about a
20 voter ID bill; correct?

21 A. Yes. A strict photo ID bill, correct.

22 Q. And you were opposing that bill; correct?

23 A. That's correct.

24 Q. That bill dealt with a voter showing photo
25 identification in order to vote in person; correct?

1 A. Correct.

2 Q. And I believe some supporters of the bill
3 said that the bill would be helpful for combating or
4 preventing in-person voter-impersonation fraud --

5 A. Right.

6 Q. -- is that right?

7 A. Correct.

8 Q. And you explained to your colleagues that
9 that type of voter-impersonation fraud was less common
10 than fraud related to voting by mail; correct?

11 A. Virtually nonexistent.

12 MR. THOMPSON: Do you want to --

13 MR. QUESADA: I'm sorry, go ahead. It
14 says whatever it says. I'm going to object to the
15 form of the question. I don't think that's -- I don't
16 think that's what Chairman Anchia said on the record.

17 Q. (By Mr. Thompson) Now, at the bottom of
18 this Page 914 --

19 A. Yes.

20 Q. -- you're quoted saying, "If you have opened
21 the door to the integrity of elections, then I think
22 it's fair game to discuss that type of fraud, which we
23 actually do see in the state of Texas."

24 Do you see that?

25 A. Yes.

1 Q. And you were referring to mail-in ballot
2 fraud; correct?

3 A. Yes.

4 Q. Can you flip to Page 915?

5 The second set of remarks from you on
6 this page says, "I actually chair the select committee
7 on that, and I've had in the past mail-in ballot
8 bills.

9 Do you see that?

10 A. Yes.

11 Q. Do you recall what bills you were referring
12 to in those remarks?

13 A. I don't.

14 Q. Based on what you remember today, have you
15 offered bills in the past related to mail-in ballots?

16 A. I think I was a joint author on mail-in
17 ballot bills in the past.

18 Q. Would this have been a bill authored by
19 Representative Oliverson...

20 A. I don't recall.

21 Q. ...where he would have --

22 A. I don't recall.

23 Q. To the best of your recollection, what was
24 the purpose of the bills related to mail-in ballots
25 that you were offering?

1 A. I don't recall.

2 Q. Let me go to the next comment from you on
3 that page. It's the third one, "Here's the quandary
4 for this body. If you say passing this bill is going
5 to restore integrity of elections, you do nothing in
6 this bill to deal with mail-in ballots and 70 percent
7 of all the prosecutions by the Attorney General have
8 been mail-in ballots, then you're really not restoring
9 integrity of elections because people, like they have
10 for the last six years, will be reading about mail-in
11 ballot fraud, mail-in ballot fraud, mail-in ballot
12 fraud."

13 Do you see that?

14 A. I do.

15 Q. Do you generally conduct research to support
16 the factual statements that you make on the floor of
17 the House of Representatives?

18 A. Yes.

19 Q. Do you think you've researched the
20 prosecutions brought by the Attorney General related
21 to voter fraud?

22 A. Yes.

23 Q. And your research showed that 70 percent of
24 the Attorney General's prosecutions related to voter
25 fraud were about mail-in ballots?

1 A. At the time.

2 Q. Do you know whether those numbers are
3 similar or different now?

4 A. I don't, I don't. I recall that they were
5 low -- very low at the time. So 70 percent of a low
6 number. I don't recall that exact number. But my
7 whole point in -- just for further context because,
8 you know, folks have tried to take this language out
9 of context on the House floor. So I figured I'd offer
10 an explanation, some context here.

11 Number one is an acknowledgment that
12 voter fraud in the state of Texas is a very s -- a
13 very small number. It's like a rou -- I think I
14 described it at one point as a rounding error of a
15 rounding error. You're more -- you're more likely to
16 get struck by lightning. To the extent it exists, it
17 is not in -- it was not found in voter impersonation,
18 which undercut the -- the pretext that was being given
19 by the legislature at that time about the need to have
20 strict -- a strict photo ID standard in the state, and
21 ultimately we won this in court.

22 But it undercut their argument to
23 suggest that in-person voter impersonation was about
24 the integrity of election when at the time they were
25 not doing anything about mail-in ballot fraud, which

1 was the one place where we did see some, not much, but
2 some.

3 And of the cases that the Attorney
4 General had prosecuted, they had all been in that
5 area. So it seemed to suggest that their pretext for
6 bringing that photo identification bill was -- was not
7 sincere, and that's what I was pointing out here.

8 Q. I certainly don't mind you offering context.

9 MR. THOMPSON: I will, nonetheless,
10 have to object as nonresponsive.

11 A. Okay.

12 Q. (By Mr. Thompson) It's nothing personal, of
13 course.

14 A. No, of course. None -- no personal...

15 Q. Okay.

16 A. Nothing -- nothing personal taken, Will.

17 (Exhibit Number 13 marked.)

18 Q. (By Mr. Thompson) Good. I'm going to hand
19 you what's been marked as Exhibit 13.

20 Exhibit 13 is an excerpt from the House
21 Journal of the Eightieth Legislature, Regular Session;
22 correct?

23 A. Yes.

24 Q. And it's dated Monday, April 23, 2007;
25 correct?

1 A. Yes.

2 Q. If you could flip to Page 2224, please.

3 A. I am with you.

4 Q. That Page 2224 contains remarks from you
5 about House Bill 218; correct?

6 A. Yes.

7 Q. Take a look down at the third paragraph of
8 your remarks, and then halfway through that paragraph
9 there's a sentence that begins "Furthermore..."

10 Do you see that?

11 A. Yes.

12 Q. I'm going to read that and ask you to
13 confirm that I read it correctly.

14 A. Yes.

15 Q. "Furthermore, there's another wonderful
16 loophole in this bill that creates a glaring weakness
17 that essentially allows vote by mail to continue
18 without photo identification. Vote by mail, that we
19 know, is the greatest source of voter fraud in this
20 state. In fact, all of the prosecutions by the
21 Attorney General -- I shouldn't say all, but a great
22 majority of the prosecutions by the Attorney General
23 occur with respect to vote by mail."

24 Do you see that?

25 A. Correct.

1 Q. And this is an accurate transcription of
2 what you said in those remarks; correct?

3 A. Correct.

4 (Exhibit Number 14 marked.)

5 Q. (By Mr. Thompson) I'd like to show you a
6 new exhibit. This is marked Exhibit 14.

7 A. Thank you.

8 MR. QUESADA: Thank you, guy.

9 Q. (By Mr. Thompson) Representative Anchia, is
10 Exhibit 14 -- I'm sorry. Before we get going, I just
11 want to make sure. There's a printer error on my
12 copy, and it's a little bit hard to read.

13 Does your copy look clear?

14 A. It does.

15 Q. Okay, perfect. Then I'll just use a
16 different copy.

17 Exhibit 14 is an excerpt from the House
18 Journal of the Eighty-Seventh Legislature, Second
19 Called Session; correct?

20 A. Yes.

21 Q. And it's dated Tuesday, August 31, 2021;
22 correct?

23 A. Yes.

24 Q. Okay. If you flip to Pa -- the next page is
25 Page 316 in the top left-hand corner.

1 A. Correct.

2 Q. That's what happened in the case of SB 1;
3 right?

4 A. Correct.

5 Q. So the House vote adopting the conference
6 committee report on SB 1 would be the last to vote of
7 the Texas House of Representatives before the bill
8 went to the governor; is that correct?

9 A. Yes.

10 Q. Now, if you'll turn to Page 319 in this
11 excerpt from the House Journal, we can see the -- the
12 vote on adopting the conference committee report;
13 correct?

14 A. Yes.

15 Q. And this reports that there were 80 yeas, 41
16 nays and one member present not voting; correct?

17 A. Yes.

18 Q. You can see the list of all the
19 representatives who voted in favor of SB 1 here;
20 right?

21 A. Yes.

22 Q. Can you identify any member of the Texas
23 House of Representatives who voted in favor of Senate
24 Bill 1 with a racially discriminatory intent?

25 A. I can't look into their hearts or minds, so

1 I'm unable to say either way.

2 Q. You're not a mind-reader; right?

3 A. I am not a mind-reader.

4 Q. You don't know what your colleagues were
5 thinking about when they voted for Senate Bill 1?

6 A. I don't, I don't.

7 Q. Did any of your colleagues -- outside of
8 what they said on the public record on the House floor
9 or something, did any of your colleagues tell you why
10 they were voting in favor of Senate Bill 1?

11 A. No.

12 Q. Did you hear any of your colleagues say
13 anything in the context of Senate Bill 1 that you
14 thought reflected an intent to racially discriminate?

15 A. No.

16 Q. There was an election bill that the Texas
17 House of Representatives was considering toward the
18 end of the 87th regular session; correct?

19 A. Say that one more time. There was an
20 election bill that the House of Representatives was
21 considering...

22 Q. ...at the end of the 87th regular session?

23 A. Yes.

24 Q. It did not pass; correct?

25 A. Ooh. I imagine a number of different

1 election bills did not pass at the end of the -- of
2 the 87th session, regular session.

3 Q. Do you recall democratic members of the
4 Texas House of Representatives leaving Texas at the
5 end of the 87th regular session?

6 A. No.

7 Q. Do you recall them leaving the House
8 chamber?

9 A. Yes.

10 Q. Did that deprive the Texas House of
11 Representatives of a quorum to conduct business?

12 A. Yes.

13 Q. Was that the intent of the members who were
14 leaving?

15 A. Yes.

16 Q. Was the goal to prevent passage of the
17 election bill that was then pending on the House
18 floor?

19 A. If we're referring to, I think, SB 7, then
20 the answer's, yes.

21 Q. And, just for clarity of the record, could
22 you briefly describe what...

23 Oh, don't worry about it.

24 SB 7 was an election bill that had some
25 similarities with SB 1, but also had some differences;

1 correct?

2 A. Yes.

3 Q. At what point did members of the Texas House
4 of Representatives who were democrats decide to leave
5 the state after the close of the 87th regular session?

6 MR. QUESADA: I'm going to object to
7 the form of the question.

8 A. I don't recall the exact date.

9 Q. (By Mr. Thompson) Were you a member who
10 left the state?

11 A. Yes.

12 Q. When did you leave?

13 A. I don't recall exactly.

14 Q. Was it before the first special session was
15 called?

16 A. Yes.

17 Q. Was it --

18 A. I don't recall. I don't recall if it was
19 after the call itself or in anticipation of the call
20 itself. I don't recall.

21 Q. But you left with the purpose of not being
22 present for the first called special session; is that
23 correct?

24 A. I was already out of the state. So I want
25 to make sure I'm technically -- it's tech -- my -- it

1 A. I did.

2 Q. Do you know when you did that?

3 A. I don't remember the exact date.

4 Q. Do you remember approximately when it was?

5 A. In the summer.

6 Q. Do -- when you were out of the state, did
7 you communicate with any republican colleagues about
8 when you would be returning?

9 A. I don't recall.

10 Q. Do you know whether your democratic
11 colleagues, any of them, were communicating with
12 republican colleagues about when they would return?

13 A. I don't recall.

14 Q. Is it fair to say that, to the best of your
15 knowledge, the republicans didn't know when the House
16 would have quorum again?

17 A. Yes, to the best of my knowledge.

18 Q. When did you return to Austin?

19 A. I don't remember.

20 Q. Do you remember approximately?

21 A. I'd have to go back and look at my dates.

22 Q. Do you think it was during the second called
23 special session?

24 A. Yes.

25 Q. And you think it was after the special

1 session started?

2 A. That's my recollection, yes.

3 Q. Did you return to the House chamber only
4 after a quorum had been established?

5 A. That's my recollection.

6 Q. At that point, did you communicate to any
7 republican members whether you would stay or leave
8 again?

9 A. I don't recall.

10 Q. Is it fair to say that, to the best of your
11 knowledge, republican members of the House didn't know
12 whether democratic members of the House might break
13 quorum again?

14 A. I don't know.

15 Q. Do you read the Dallas Morning News?

16 A. Yes.

17 Q. Forgive me if I mispronounce this.

18 But have you ever heard of a Dallas
19 Morning News writer named Gromer, G-r-o-m-e-r,
20 Jeffers?

21 A. Yes.

22 Q. Who is that?

23 A. He's a reporter for the Dallas Morning News.
24 He's a Cubs fan.

25 Q. Do you have any knowledge about whether he's

1 an honest man?

2 A. I don't know.

3 MR. QUESADA: He said he was a Cubs
4 fan.

5 (Exhibit Number 15 marked.)

6 Q. (By Mr. Thompson) I'm going to hand to you
7 what's been marked as Exhibit 15.

8 A. Yeah.

9 MR. QUESADA: Thank you.

10 Q. (By Mr. Thompson) Is Exhibit 15 an article
11 from the Dallas Morning News entitled "Texas needs
12 tougher laws to reel in mail-in vote fraud"?

13 A. Yes.

14 Q. Is it written by Gromer Jeffers, Jr.?

15 A. Yes.

16 Q. Is it dated April 26th, 2017?

17 A. Yes.

18 Q. Do you see in the first paragraph of
19 Mr. Jeffers it says "Let's face it. Mail-in ballot
20 voting, a necessary and noble process, is vulnerable
21 to fraud"?

22 A. Yes.

23 Q. Do you see in the second paragraph he says
24 "Residents --," referring to residents of West
25 Dallas, "-- there have complained about receiving

1 absentee ballots they didn't request, raising the
2 possibility that someone is casting votes for them."

3 Do you see that?

4 A. Yes.

5 Q. Do you have any knowledge one way or the
6 other about whether residents were receiving absentee
7 ballots they didn't request?

8 A. I'm unaware.

9 Q. Do you know one way or the other whether
10 someone was casting votes for them?

11 A. I'm unaware.

12 Q. If you could flip to Page 2, please. Up at
13 the top says -- it has a quote from Mayor Mike
14 Rawlings.

15 Do you see that?

16 A. Yes.

17 Q. Excuse me. The quote is also jointly
18 authored by Representative Eric Johnson; correct?

19 A. Yes.

20 Q. And they said, "We ask that you devote
21 additional resources to verify the integrity of each
22 mail-in ballot in Texas."

23 Do you see that?

24 A. Yes.

25 Q. And they wrote that in a letter to the

1 Dallas County Elections Department; correct?

2 A. Yes.

3 Q. Were you involved at all in the Dallas
4 County Elections Department's response to that letter?

5 A. Not that I recall.

6 Q. Do you recall communicating with Mayor
7 Rawlings, Representative Johnson or anyone from the
8 Dallas County government about this issue at the time?

9 A. Not that I recall.

10 Q. If you'll look in Paragraph 3, Mr. Jeffers
11 says, "Voter fraud, even with mail-in ballots, does
12 not occur on a large scale. But in low-turnout
13 elections, stealing just a few votes can be the
14 difference between winning and losing."

15 Do you see that?

16 A. I do.

17 Q. Are you aware of the fact that some elected
18 officials in Texas are elected by just a few votes in
19 a very close race?

20 A. Yes.

21 Q. You've had colleagues in the House of
22 Representatives who won by just a handful of votes;
23 right?

24 A. Yes.

25 Q. And so even a very small amount of mail-in

1 ballot fraud in those elections could alter the
2 outcome; correct?

3 A. Certainly, or a small amount of voters being
4 turned away at the polls.

5 Q. Who is Representative Steve Wolens?

6 A. Steve Wolens is a lawyer, a former state
7 representative and my predecessor in office. I
8 call -- I would consider him a friend.

9 Q. He was a knowledgeable public servant?

10 A. Quite.

11 Q. He's quoted in the fourth paragraph on Page
12 2 as saying "'You have to have a conversation in order
13 to prevent coercion and fraud,' said former Rep --
14 former State Rep. Steve Wolens, who in 2003 sponsored
15 legislation to overhaul the state's mail-in ballot
16 system, 'Then you tailor-make a new law that deals
17 with abuse and opens up voting.'"

18 Do you see that?

19 A. I do.

20 Q. If you look at the seventh paragraph on Page
21 2, it uses a Spanish term "politiqueros".

22 Do you see that?

23 A. Yes.

24 Q. Are you familiar with that term?

25 A. Vaguely.

1 Q. What is your understanding of the term
2 "politiqueros"?

3 A. People who are involved in political
4 campaigns.

5 Q. Here Mr. Jeffers says "The law also devised
6 ways to track mail-in vote operatives, called
7 "politiqueros," in Hispanic neighborhoods where
8 absentee campaigns are aggressive."

9 Do you see that?

10 A. I do.

11 Q. Are you familiar with allegations that
12 people identified as "politiqueros" have
13 inappropriately stolen people's votes?

14 A. No.

15 Q. You don't know one way or the other?

16 A. No. I'm unaware of any allegations.

17 Q. Do you know whether any of your colleagues
18 in the Texas Legislature read this piece by
19 Mr. Jeffers in the Dallas Morning News?

20 A. I don't.

21 Q. Do you recall Representative Lozano
22 referring to it on the floor when the legislature was
23 debating SB 1?

24 A. To this specific piece? Is that the
25 question?

1 Q. Yeah.

2 A. No.

3 Q. Do you recall your colleagues more generally
4 talking about newspaper articles on the topic of
5 mail-in ballot fraud?

6 A. I don't.

7 (Exhibit Number 16 marked.)

8 Q. (By Mr. Thompson) I'm going to hand you
9 what's been marked as Exhibit 16.

10 A. Thank you.

11 MR. QUESADA: Thank you, sir.

12 Q. (By Mr. Thompson) Does Exhibit 16 appear to
13 be an article from the Dallas Observer entitled "City,
14 County Investigate Possible Voter Fraud In Upcoming
15 Council Election"?

16 A. Yes.

17 Q. Is it authored by Stephen Young?

18 A. Yes.

19 Q. Is it dated April 24, 2017?

20 A. Yes.

21 Q. And in the bottom right-hand corner on Page
22 1, do you see a Bates stamp MS007397?

23 A. Yes.

24 Q. And I'll just represent to you that there's
25 some highlighting in this document. My understanding

1 is that this highlighting came from the party that
2 produced the document and that the highlighting
3 probably was not in the original publication.

4 Are you able to read the document okay
5 despite the highlighting?

6 A. Correct.

7 Q. Okay. Do you read the Dallas Observer?

8 A. On occasion.

9 Q. Do you know whether any of your colleagues
10 in the legislature read the Dallas Observer?

11 A. I don't.

12 Q. If you could turn to the second page of this
13 exhibit, which is Bates stamped MS007398, in the
14 second full paragraph it says "Earlier this month
15 several senior citizens in West Dallas and Oak Cliff
16 complained to WFAA-TV that they'd received mail-in
17 ballots without having asked for one."

18 Do you see that?

19 A. I do.

20 Q. You represent part of West Dallas; correct?

21 A. Correct.

22 Q. Do you represent Oak Cliff?

23 A. I do.

24 Q. Did your office receive any complaints on
25 this topic?

1 A. Not that I'm aware.

2 Q. Do you have any reason to doubt that senior
3 citizens from West Dallas and Oak Cliff complained to
4 the local TV station that they had received mail-in
5 ballots without having asked for one?

6 A. No.

7 Q. Would you agree that receiving a mail-in
8 ballot that you did not request would reasonably cause
9 one to wonder whether some sort of irregularity was
10 occurring?

11 A. Error or irregularity. Certainly error.

12 Q. In Texas you're not supposed to receive a
13 mail-in ballot without having asked for one; right?

14 A. That's right.

15 Q. So when senior citizens receive a mail-in
16 ballot without having asked for one, they know
17 something's gone wrong; correct?

18 A. Yes.

19 MR. THOMPSON: Do you need to take a
20 break or anything?

21 MR. QUESADA: Nope.

22 Q. (By Mr. Thompson) If you look toward the
23 bottom of this page, the second-to-the-last paragraph,
24 second sentence, it says "As the Dallas Observer has
25 documented for well over a decade, Dallas' council

1 races, especially in the city's low-turnout districts
2 like West Dallas' District 6, can come down to which
3 candidate better executes its absentee ballot
4 Strategy. In 2015 incumbent Monica Alonzo, whose
5 campaign didn't return a request to comment for this
6 story, won her District 6 seat despite receiving only
7 958 votes."

8 Do you see that?

9 A. I do.

10 Q. Do you know whether it's true that Dallas
11 City Council races can come down to which candidate
12 better executes an absentee ballot strategy?

13 A. I don't.

14 Q. Do you know anything about Monica Alonzo's
15 election in 2015?

16 A. No. Other than she was elected, no.

17 Q. No reason to dispute that it was a
18 relatively low-turnout election?

19 A. No.

20 Q. Is that common for District 6 in Dallas?

21 A. I have no basis.

22 Q. Do you know whether any of your colleagues
23 in the legislature read this article when they were
24 considering Senate Bill 1?

25 A. I don't.

1 MR. THOMPSON: All right. If we can
2 take a short break, I think we can wrap up here.

3 MR. QUESADA: Okay.

4 THE VIDEOGRAPHER: We're off the record
5 at 11:36 a.m.

6 (Break.)

7 THE VIDEOGRAPHER: We're back on the
8 record at 11:48 a.m.

9 Q. (By Mr. Thompson) Chairman Anchia, are you
10 familiar with any irregularities since the passage of
11 Senate Bill 1?

12 A. Since the passage of Senate Bill 1? Is that
13 what you said?

14 Q. No, sir.

15 A. I apologize.

16 Q. Was the process used for passing Senate Bill
17 1 into law irregular in any respect?

18 A. No.

19 Q. Everybody was following the normal House
20 rules when they considered the bill?

21 A. It seems so, yes.

22 Q. Have you studied the impacts, if any, of
23 SB 1 on voters in Texas?

24 A. We have not. We -- we asked for that to be
25 included as part of the bill, but that -- those

1 amendments were rejected. So the answer's, no.

2 Q. Who's the "we" you're referring to?

3 A. The offerers of amendments and those persons
4 who voted for the amendments, the requesting racial
5 impact studies, et cetera.

6 Q. I think I recall seeing those.

7 A. Yeah.

8 Q. Is it fair to say that the amendments to
9 which you're referring would have required Texas
10 officials to study the impacts of SB 1 and assess if
11 those impacts were different for members of different
12 racial groups?

13 A. Yes.

14 Q. And those amendments were not adopted;
15 correct?

16 A. That's correct.

17 Q. I believe your colleagues indicated that
18 they had not looked at the racial impacts of the bill
19 prior to drafting it; is that correct?

20 A. Even -- even after they had drafted it as
21 well. So not -- not just prior, but during the
22 drafting and during the legislative process.

23 Q. I'm sorry. Just to make sure I understand,
24 your understanding is that your colleagues in the
25 House had not studied the racial impacts of the bill

1 at any point; is that right?

2 A. That -- that's what I believe specifically I
3 had this conversation with Representative Cain during
4 the first regular session, and he said "No". I don't
5 recall what the answers were for the special -- for
6 the second called special legislative session...

7 Q. Okay.

8 A. ...on that issue.

9 Q. And apart from these studies, you don't have
10 personal knowledge of what the impacts of SB 1 have
11 been --

12 A. I -- I do not.

13 Q. -- on voters; correct?

14 A. I do not.

15 Q. Would you identify any of your colleagues in
16 the Texas House of Representatives as racists?

17 A. Would I? Could I? What was the question?

18 Q. Would you describe any of your colleagues in
19 the House of Representatives as racists?

20 A. Oh, I can't -- I can't look in their hearts.
21 I'll -- I'll say I -- I -- I couldn't say one way or
22 the other.

23 Q. Is that also true for members of the Texas
24 Senate?

25 A. Yes.

1 A. That's right.

2 Q. Have you heard of the voter file?

3 A. Yes.

4 Q. Do you understand the voter file to be a
5 database of information about vote -- about voters
6 that is maintained at the state level by the Secretary
7 of State or at the local level by county officials?

8 A. Yes.

9 Q. The voter file is public information that
10 people can request from the government; correct?

11 A. That's my understanding. But -- but not all
12 of the information. I think there's some information
13 that's redacted, if I'm not mistaken, to protect the
14 identity of -- of the voter. Can be, I should say.
15 Can be redacted.

16 Q. My understanding is, that's correct, that
17 there's some -- I'll just represent to you there's
18 some information in the voter file that's publicly
19 released and some that conceivably could be redacted.

20 A. Yes, correct.

21 Q. Do you understand that campaigns request the
22 public versions of the voter file sometimes?

23 A. Yes.

24 Q. Has your campaign done that?

25 A. I don't -- no, not my campaign. Not that

1 I'm aware of at least.

2 Q. And sometimes campaigns hire consultants who
3 have a copy of the voter file; correct?

4 A. That's right.

5 Q. Is that something your campaign does?

6 A. Correct.

7 Q. And the public version of the voter file
8 that a campaign or somebody could get includes a
9 voter's name and address; correct?

10 A. Yes.

11 Q. But a voter's ID numbers are not public
12 information; correct?

13 A. That is my understanding, that is correct.

14 Q. So before Senate Bill 1 when an application
15 for a ballot by mail did not require an ID number, all
16 the information required by the form could have been
17 gleaned from the publicly available voter file;
18 correct?

19 A. That sounds right.

20 Q. But after Senate Bill 1 the application for
21 a ballot by mail requires a voter to provide nonpublic
22 information; correct?

23 A. Yes.

24 Q. Do you know whether other laws besides SB 1
25 required voters to provide either a driver's license

1 the applicant to whom clause (ii) applies), the last 4
2 digits of the applicant's social security number"?

3 Do you see that?

4 A. Yes.

5 Q. Do you know whether your colleagues in the
6 legislature decided to use the driver's license or
7 social security number requirement based on its
8 similarity to this provision of federal law?

9 A. I don't.

10 Q. And do you recall speaking with
11 Representative Lozano on the House floor during the
12 debate over SB 1?

13 A. Vaguely, yes.

14 Q. Representative Lozano said, "We need to
15 verify that people are who they are before they vote."
16 And you responded, "Stipulated, stipulated," according
17 to the House Journal.

18 Do you agree that we need to verify who
19 people are before they vote?

20 A. Yes.

21 Q. That's always been your --

22 A. Stipulated.

23 Q. That's always been your position, hasn't it?

24 A. Sure.

25 MR. THOMPSON: No further questions.